

FISCAL NOTE

HB 2844 - SB 2960

February 26, 2008

SUMMARY OF BILL: Elevates the punishment for the murder of a law enforcement officer committed during perpetration of any felony to first degree murder if the officer was on duty and the defendant knew or should have known the victim was an officer.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$917,200/Incarceration*

Assumptions:

- According to the Department of Safety, there have been 22 law enforcement officers killed in the line of duty in the past five years. The Department of Correction (DOC) estimates that four offenders will receive an elevated sentence for the murder of a law enforcement officer and will serve an additional 15.25 years (an increase from 6.0 years to 21.25 years) as a result of this bill.
- According to the DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 6.0 years is \$137,582.37 (\$62.78 x 2,191.50 days). The cost per inmate at 21.25 years is \$487,270.74 (\$62.78 x 7,761.56 days). The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on four offenders serving additional time on their sentences. The cost per inmate in the tenth year is \$366,886.32 (\$62.78 x 5,844 days). The additional cost from increasing the average sentence length from 6.0 years to 21.25 years is \$229,303.95 (\$366,886.32 - \$137,582.37). The total additional operating cost for four offenders is \$917,215.80 (\$229,303.95 x 4).
- No significant incarceration cost increase will occur due to population growth in this period.

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" and last name "White" clearly legible, and "W." in the middle.

James W. White, Executive Director

/lsc